

Jeralyn Kay Spradlin 121850
Law Offices of Spradlin and Ferguson
500 E. Calaveras Blvd. Ste 203
Milpitas, California 95035
(408)262-0136

Attorney for JP Tile, Inc.; American
Contractors Indemnity Company

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

BRICKLAYERS AND ALLIED CRAFTWORKERS
LOCAL UNION NO. 3, AFL-CIO; ET. AL.

Case No.: CV081074

Defendants Answers to
Complaint

Plaintiffs

vs.

JP TILE, INC., a California corporation;
AMERICAN CONTRACTORS INDEMNITY
COMPANY, a California Corporation,

Defendants.

Defendants, JP Tile Inc. And American Contractors Indemnity Company, files this
original answer to Plaintiff's original complaint:

1. Defendants admit the allegations in paragraph 1.
2. Defendants admit the allegation in paragraph 2.
3. Defendants are without knowledge or information sufficient to form a belief as to the truth of paragraph 3.
4. Defendants are without knowledge or information sufficient to form a belief as to the truth of paragraph 4.
5. Defendants are without knowledge or information sufficient to form a belief as to the truth of paragraph 5.

DEFENDANT JP Tile, Inc. American Indemnity Company
ANSWER

Case No. 3:08-cv081074-MHP

6. Defendants are without knowledge or information sufficient to form a belief as to the truth of paragraph 6.

7. Defendants admit the allegations in paragraph 7.

8. Defendants deny the allegations in paragraph 8.

9. Defendants are without knowledge or information sufficient to form a belief as to the truth of paragraph 9.

10. Defendants are without knowledge or information sufficient to form a belief as to the truth of paragraph 10.

11. Defendants are without knowledge or information sufficient to form a belief as to the truth of the allegation that an audit was performed and the results disclose that Defendant, JP Tile owes funds to Plaintiffs, Defendants therefore deny that any sums are due.

12. Defendants deny the allegations in paragraph 12.

13. Defendants deny the allegations in paragraph 13.

14. Defendants deny the allegations in paragraph 14.

15. Defendants admit the allegations in paragraph 16.

16. Defendants deny the allegation in paragraph 17.

17. Defendants deny the allegation in paragraph 18.

18. Defendants admit the allegations in paragraph 19.

19. Defendants are without knowledge or information sufficient to form a belief as to the truth of paragraph 20.

20. Defendants are without knowledge or information sufficient to form a belief as to the truth of paragraph 21.

21. Defendants are without knowledge or information sufficient to form a belief as to the truth of paragraph 22.

22. Defendants deny the allegations in paragraph 23.

DEFENDANT JP Tile, Inc. American Indemnity Company
ANSWER

Case No. 3:08-cv081074-MHP

23. Defendants deny the allegations in paragraph 24.

24. Defendants deny the allegations in paragraph 25.

25. Defendants deny the allegations in paragraph 26.

26. Defendants deny the allegation in paragraph 27.

27. Defendants deny the allegation in paragraph 28.

28. Defendants deny the allegations in paragraph 29.

29. Defendant, American Contractors Indemnity Company admits the allegation contained in paragraph 31.

30. Defendant, American Contractors Indemnity Company admits the allegations contained in paragraph 32.

31. Defendant, American Contractors Indemnity Company admits the allegations contained in paragraph 33.

32. Defendants deny the allegations in paragraph 34.

33. Defendants deny the allegations in paragraph 35.

34. Defendants deny the allegations in paragraph 36.

AFFIRMATIVE DEFENSES

Defendants are not liable to plaintiff because:

35. Any contract, if one is proven, was a contract of adhesion and unenforceable as such.

36. Any contract, if proven is barred by the doctrine of laches.

37. Any contract, if proven is void or voidable as a contract of adhesion.

38. Any contract, if proven, is barred by the doctrine of collateral estoppel.

39. Plaintiff has not performed all conditions precedent that they were required to perform before filing suit in that Defendants were not offered the right to arbitrate the dispute prior to the filing of the complaint.

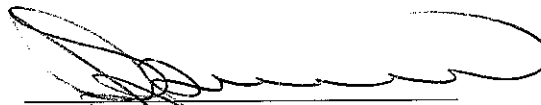
40. Plaintiff is barred by the doctrine of unclean hands.

PRAYER

For these reasons, defendants ask the court to do the following:

- a. Render judgment that plaintiff take nothing.
- b. Dismiss plaintiff's suit with prejudice.
- c. Assess costs against plaintiff.
- d. Award defendant attorney fees.

Date: 4/15/08



Jeralyn Kay Spradlin
Attorney for Defendants